

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) CASE NO. 4:16-CR-257
)
ROBERT GADSON,)
)
Defendant.)

TRANSCRIPT OF RULE 11 HEARING
BEFORE THE HONORABLE WILLIAM T. MOORE, JR.
United States Courthouse
125 Bull Street
Savannah, GA
September 28, 2016

COURT REPORTER: Kelly McKee Dorsey, CCR, RMR, CCP
United States Court Reporter
P. O. Box 8552
Savannah, GA 31412
912-650-4065

(Proceedings reported by mechanical stenography, transcript
produced by computer-aided transcription.)

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P R O C E E D I N G S

(10:31 a.m.)

THE COURT: Call the first case, please, Ms. Bodafor.

THE CLERK: Yes, Your Honor. The Court calls the case of the *United States of America vs. Robert Gadson*, Case No. CR 4:16-257. Representing the government is John Clarkson. Representing the defendant is J. Boone Phillips. This case is called for a change of plea.

THE COURT: Is counsel ready to proceed?

MR. CLARKSON: Ready for the government, Your Honor.

MR. PHILLIPS: Ready, Judge.

THE COURT: All right. Mr. Phillips, if you and Mr. Gadson would come forward to the lectern, please.

Mr. Gadson, give me your full name, please.

THE DEFENDANT: Robert Donnell Gadson.

THE COURT: And where do you live, Mr. Gadson?

THE DEFENDANT: 12201 Bedford Drive, Savannah, Georgia.

THE COURT: Now, you've heard the clerk announce your desire to enter a plea of guilty, and that is your right. However, before this court is authorized to accept a plea of guilty it's necessary that I ask you a number of questions. And the purpose of this hearing is to make a determination whether you're entering this plea freely and voluntarily, whether you understand the rights that are yours that you're giving up by pleading guilty and also whether there's a factual basis for the

1 entry of the plea. And the entire purpose of this proceeding is
2 almost for the last time to allow you to know the importance and
3 the severity of the step that you're about to make and to
4 impress upon you the loss of many of your legal rights.

5 You're reminded that later in this proceeding you will
6 be sworn to tell me the truth. If you do not tell me the truth,
7 you will be committing perjury for which you could be subjecting
8 yourself to additional punishment for testifying falsely under
9 oath. Also, if you ever seek to undo or set aside what occurs
10 here today, you're going to be confronted by the answers you
11 give me, so make sure that you understand the words and the
12 questions. If there's any word or question that you do not
13 understand, you can ask your lawyer for explanation and advice.
14 If necessary, I'll recess this hearing and give you additional
15 time to discuss with your lawyer any matter that may be
16 troubling or concerning to you, and if you need the Court to
17 further explain any matter to you, do not hesitate to ask, and I
18 will stop and I will explain in detail any matter that you need
19 to know.

20 So do you understand, Mr. Gadson, that you have a right
21 to stop this hearing and have questions explained to you?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Do you have any questions now before I ask
24 the clerk to administer the oath?

25 THE DEFENDANT: No, sir.

1 THE COURT: Will you administer the oath, Ms. Bodafor.

2 THE CLERK: Yes, Your Honor. Please raise your right
3 hand to be sworn.

4 ROBERT GADSON, being first duly sworn,
5 testified as follows:

6 THE DEFENDANT: Yes, I do.

7 EXAMINATION

8 BY THE COURT:

9 Q. Mr. Gadson, what is your Social Security Number?

10 A. 254-55-6270.

11 Q. How old are you?

12 A. 30.

13 Q. Are you married?

14 A. No, sir.

15 Q. Have you ever been married?

16 A. No, sir.

17 Q. Do you have any children?

18 A. No, sir.

19 Q. Can you read, write and understand the English language?

20 A. Yes, sir.

21 Q. How far did you attend school?

22 A. I have a GED.

23 Q. How far did you attend school?

24 A. Eleventh grade.

25 Q. Did you complete the eleventh grade or did you drop out in

1 the eleventh grade?

2 A. I got kicked out in the eleventh grade.

3 Q. And where were you attending school?

4 A. Savannah High School.

5 Q. Did you get your GED in the state of Georgia?

6 A. Yes, sir.

7 Q. Have you had any other educational training since that
8 time?

9 A. No, sir.

10 Q. Have you ever been treated for any mental illness?

11 A. No, sir.

12 Q. Have you ever been under the care of a psychiatrist?

13 A. No, sir.

14 Q. When was the last time you were treated by a medical
15 doctor?

16 A. Probably four years ago.

17 Q. Are you presently taking any kind of medication?

18 A. Nothing but Tylenol and sinus medicine.

19 Q. Sinus medicine and Tylenol?

20 A. Yes, sir.

21 Q. When was the last time you had any form of alcoholic
22 beverage?

23 A. Yesterday.

24 Q. Excuse me?

25 A. Yesterday.

1 Q. When was the last time you had any illegal drugs or any
2 illegal drug-related substance?

3 A. Probably about two months ago.

4 Q. And what was that substance?

5 A. Marijuana.

6 Q. Do you clearly understand where you are and why you're
7 here today?

8 A. Yes, sir.

9 Q. Do you understand how important this proceeding is for
10 you?

11 A. Yes, sir.

12 Q. The Court advises you, Mr. Gadson, that you're presumed
13 innocent, and what it means to be presumed innocent, if you
14 should elect to go to trial in this case, you do not have to
15 prove anything. The United States Department of Justice is your
16 accuser, and it is the government that must prove the
17 government's version of this offense beyond a reasonable doubt
18 to the satisfaction of a fair and impartial jury before you
19 would be authorized to be convicted. Do you understand that?

20 A. Yes, sir.

21 Q. Also, the Indictment that charges you is nothing more than
22 a formal written charge. It's not evidence of guilt and it
23 cannot be used against you for that purpose. Do you understand
24 that?

25 A. Yes, sir.

1 Q. You also have a right to a speedy and a public trial, and
2 this case is not assigned for trial, but if you elect to go to
3 trial, I'll try your case promptly. You'd have a right to have
4 your friends, family, press, public attend the trial. You'd
5 have a right to the assistance of your lawyer at every stage of
6 the proceeding and any appeal if necessary. Do you understand
7 that?

8 A. Yes, sir.

9 THE COURT: Mr. Phillips, are you retained or appointed?

10 MR. PHILLIPS: I'm appointed, Your Honor.

11 BY THE COURT:

12 Q. Mr. Gadson, you've sworn under oath to an officer of this
13 court that you do not have funds to hire a lawyer; therefore,
14 Mr. Phillips has been assigned to represent you. But that in no
15 way should influence your decision to plead guilty because he
16 will continue to represent you throughout any trial and any
17 appeal, and the Court would ensure that he's paid for his
18 representation. Do you understand that?

19 A. Yes, sir.

20 Q. Did the fact that you did not hire a lawyer with your own
21 funds force or influence you to believe that you should plead
22 guilty?

23 A. No, sir.

24 Q. In addition to the rights that I've explained to you, if
25 you elect to go to trial, you'd have a right to participate with

1 your lawyer in the selection of a jury. You have a right to
2 confront the government's proof. You have a right to
3 cross-examine witnesses at trial. In your own defense you can
4 bring witnesses to testify, and if they will not voluntarily
5 come, we can compel them to come through the subpoena power of
6 this Court.

7 You also have a right to remain silent. You do not have
8 to testify. You do not have to incriminate yourself in any way.
9 If you should elect to testify, then your lawyer can examine you
10 and the government lawyer would have a right to cross-examine
11 you. Do you understand that by pleading guilty you're giving up
12 all of these rights, and if I accept this plea, that will end
13 this case except for sentencing that will take place several
14 months from now? Do you understand that?

15 A. Yes, sir.

16 Q. Mr. Gadson, have you ever pled guilty or been convicted of
17 a crime before?

18 A. Yes, sir.

19 Q. Was that a felony offense?

20 A. Yes, sir.

21 Q. And where did it occur?

22 A. In Chatham County.

23 Q. If you plead guilty in this case, you're going to lose
24 many of your civil rights. You're going to lose your right to
25 vote, your right to serve on juries, your right to hold public

1 office and your right to ever possess a firearm. I want you to
2 listen carefully to what I'm telling you about possessing a
3 firearm. If you plead guilty in this case, for the remainder of
4 your life you may not possess a firearm of any kind. You can't
5 have it in your home, your automobile, your place of employment.
6 If you're found in possession of a firearm, you'll be arrested
7 and you'll be brought back before this Court or some other
8 Court, and you'll be given a term of imprisonment for that
9 possession. Do you understand that?

10 A. Yes, sir.

11 Q. Do you understand the difference between a plea of guilty
12 and a plea of not guilty?

13 A. Yes, sir.

14 Q. A plea of guilty admits that you did what the government
15 accuses you of doing pursuant to your plea agreement with the
16 government. A plea of not guilty denies the charge and requires
17 the government to prove the charges beyond a reasonable doubt.
18 Do you understand that?

19 A. Yes, sir.

20 Q. Mr. Gadson, you may have defenses to these charges; I do
21 not know, but in all likelihood if you plead guilty today,
22 you're going to forever lose your right to complain on appeal
23 about any action of the government, any government agent, the
24 prosecutor, the magistrate judge, your own lawyer, this Court or
25 anyone else as far as any complaint that you might have about

1 anything that you say they did or failed to do in your case. Do
2 you understand that?

3 A. Yes, sir.

4 Q. How long have you known Mr. Phillips, your lawyer?

5 A. Probably like five months.

6 Q. Have you told him everything you know about the charges
7 against you in this case?

8 A. Yes, sir.

9 Q. Have you been truthful with him?

10 A. Yes, sir.

11 Q. And has he gone over your case with you and tried to
12 explain to you any possible defenses?

13 A. Yes, sir.

14 Q. Have you had enough time to meet and talk with your
15 lawyer?

16 A. Yes, sir.

17 Q. How many occasions have you and Mr. Phillips discussed
18 your case?

19 A. Five occasions.

20 Q. Have you talked with family and friends about making this
21 decision to plead guilty?

22 A. Yes, sir.

23 Q. Are you satisfied with your lawyer and the way that he's
24 represented you in this case?

25 A. Yes, sir.

1 Q. Have you read the Indictment and the charges against you?

2 A. Yes, sir.

3 Q. Have you gone over those charges with your lawyer?

4 A. Yes, sir.

5 Q. In this case, Mr. Gadson, you're charged in two counts of
6 an Indictment. Counts 1 and 2 charge you with possession of a
7 firearm by a convicted felon, in violation of 18 United States
8 Code Section 922(g)(1), and Count 1 charges you with possession
9 of ammunition by a convicted felon and Count 2. It's my
10 understanding that you have a plea agreement with the government
11 today that provides that you would plead guilty to Count 1 of
12 the Indictment and the government will dismiss Count 2 of the
13 Indictment. Is that your understanding?

14 A. Yes, sir.

15 Q. Count 1 charges that on or about March 19, 2016, in
16 Chatham County, within the Southern District of Georgia, that
17 you, Mr. Gadson, who before that time had been convicted of a
18 felony offense, an offense punishable by imprisonment for a term
19 exceeding one year, did unlawfully and knowingly possess in and
20 affecting commerce a firearm, that is, one Shooters Arms
21 Manufacturing Model Titan .45 caliber pistol, and it gives the
22 serial number of that pistol, which had previously been
23 transported in interstate and foreign commerce, in violation of
24 Title 18 United States Code Section 922(g)(1), and that is what
25 you're charged with in Count 1 of the Indictment, and that is

1 what you're pleading guilty to today. Do you understand that?

2 A. Yes, sir.

3 Q. If you should elect to go to trial in this case, before
4 you could be found guilty on Count 1, the government would first
5 have to prove that you knowingly possessed in or affecting
6 interstate or foreign commerce. The government would also have
7 to prove that before possessing the firearm, that you had been
8 convicted of a felony, that is, a crime punishable by
9 imprisonment for not more than one year. The government would
10 have to prove each of those elements beyond a reasonable doubt
11 to the satisfaction of a fair and impartial jury before you
12 would be authorized to be convicted on Count 1. Do you
13 understand that?

14 A. Yes, sir.

15 THE COURT: Mr. Phillips, did you have access to the
16 government's discovery and other materials in this case?

17 MR. PHILLIPS: Your Honor, I did.

18 THE COURT: Did you satisfy yourself there's a factual
19 basis for the plea, in other words, that the government can
20 prove your client's guilt beyond a reasonable doubt on Count 1
21 of the Indictment?

22 MR. PHILLIPS: Yes, sir, I was satisfied.

23 BY THE COURT:

24 Q. Mr. Gadson, the maximum sentence that the Court could
25 impose on Count 1 would be a sentence of imprisonment of not

1 more than 10 years, a fine of not more than \$250,000, supervised
2 release of not more than three years and a \$100 special
3 assessment. However, if you are found to be an armed career
4 criminal pursuant to 18 United States Code Section 924(e), then
5 the maximum term of imprisonment would be not less than 15 years
6 and up to life, a fine of not more than \$250,000, supervised
7 release of not more than five years and a \$100 special
8 assessment.

9 Now, those are the maximum penalties, but the Sentencing
10 Guidelines that were made effective as of November 1, 1987 will
11 be considered by this Court in an advisory manner when deciding
12 upon the appropriate sentence in your case. Do you understand
13 that?

14 A. Yes, sir.

15 Q. Has your lawyer gone over the guideline information with
16 you?

17 A. Yes, sir.

18 Q. Have you tried to learn in your discussions with your
19 lawyer how these Guidelines could affect the sentence in your
20 case?

21 A. Yes, sir.

22 Q. And do you understand that the Court is going to consider
23 the guideline ranges as advisory when deciding upon the
24 sentence?

25 A. Yes, sir.

1 Q. Do you understand that what your lawyer has told you about
2 the sentence that you may receive is only a guess or an estimate
3 based upon what you've told your lawyer and what he's been able
4 to learn from the Government?

5 A. Yes, sir.

6 Q. Do you understand that the Court is not bound by that
7 estimate?

8 A. Yes, sir.

9 Q. The sentence that you receive may not be what your lawyer
10 has estimated it to be, because at this time neither you nor
11 your lawyer nor the Probation Office nor the Court nor anyone
12 else knows exactly what the sentence will be. Do you understand
13 that?

14 A. Yes, sir.

15 Q. There are certain matters that are very important, and
16 that is what you've done, whether you've accepted
17 responsibility, the role you played in the criminal activity,
18 whether or not you've obstructed justice and any prior criminal
19 history that you might have. Do you understand that?

20 A. Yes, sir.

21 Q. In certain limited ways the Court has a right to depart
22 from the Advisory Guidelines, downward or upward, and you will
23 have a right to appeal and the government will have a right to
24 appeal the sentence, and even though you have a plea agreement
25 with the government, I want to make it clear that I'm unlikely

1 to sentence you outside of the range of your Advisory
2 Guidelines. Any recommendation from the government will be
3 considered by the Court, but the Court is not bound by a
4 government recommendation. Do you understand that?

5 A. Yes, sir.

6 Q. And even though your sentence may be more severe than you
7 or your lawyer have anticipated, you're still bound by your plea
8 of guilty, and you may not withdraw it. Do you understand that?

9 A. Yes, sir.

10 Q. Under guideline sentencing, Mr. Gadson, parole has been
11 abolished. You serve the sentence and you will not be released
12 on parole. Do you understand that?

13 A. Yes, sir.

14 Q. Also, supervised release is a very real sentence. Under
15 supervised release once you're released, you'd have to conduct
16 yourself consistent with the rules of the Court. You'd have to
17 become employed. You'd have to not violate any local, state or
18 federal law. You have to report regularly to the Probation
19 Office. You have to submit yourself to urinalysis. You have to
20 do many other things mandated by the conditions of supervised
21 release. Do you understand that?

22 A. Yes, sir.

23 Q. Mr. Gadson, has anyone done anything that you consider to
24 be wrong or unfair which has forced you to plead guilty?

25 A. No, sir.

1 THE COURT: Let's take up the plea agreement, please,
2 Mr. Clarkson.

3 MR. CLARKSON: Your Honor, the defendant has agreed to
4 plead guilty to Count 1 of the Indictment. The government will
5 not object to a recommendation by the Probation Office that the
6 defendant receive an appropriate reduction in offense level for
7 acceptance of responsibility. The defendant has agreed to pay
8 any restitution caused by the defendant's criminal conduct. At
9 sentencing the government will move to dismiss Count 2 of the
10 Indictment, which is the only count that remains.

11 The defendant has waived his right to request
12 information about the investigation and prosecution of his case
13 under the Freedom of Information Act and the Privacy Act. The
14 defendant has waived his rights to protections of Rule 11F of
15 the Federal Rules of Criminal Procedure and Rule 410 of the
16 Federal Rules of Evidence. If he fails to plead guilty or later
17 withdraws his guilty plea, all statements made by him in
18 connection with the plea and any leads derived therefrom shall
19 be admissible for any and all purposes.

20 The defendant has also agreed to forfeiture of any
21 interest he may have in the firearm identified in Count 1 and
22 the ammunition identified in Count 2. I can verify the
23 signatures of myself and Criminal Chief Brian Rafferty of the
24 plea agreement, and I can also verify my signature on the
25 consent order of forfeiture that's been prepared.

1 Mr. Phillips, can you verify your signature on the plea
2 agreement?

3 MR. PHILLIPS: Yes.

4 MR. CLARKSON: And Mr. Gadson, can you verify your
5 signature on the plea agreement?

6 THE DEFENDANT: Yes.

7 MR. CLARKSON: And can you verify, Mr. Phillips, your
8 signature on the consent order of forfeiture?

9 MR. PHILLIPS: Yes.

10 MR. CLARKSON: And Mr. Gadson, can you verify your
11 signature on the consent order of forfeiture?

12 THE DEFENDANT: Yes.

13 THE COURT: Will you present the agreement to the clerk,
14 please.

15 MR. CLARKSON: Absolutely, Your Honor.

16 BY THE COURT:

17 Q. Mr. Gadson, other than the promises made to you in this
18 plea agreement, has any government agent or prosecutor or anyone
19 else made you any promises about this case that you have not
20 disclosed to this Court?

21 A. No, sir.

22 Q. Your lawyer has not told you the exact sentence that will
23 be imposed, has he?

24 A. No, sir.

25 Q. Do you still wish to plead guilty to Count 1 of the

1 Indictment?

2 A. Yes, sir.

3 Q. Are you pleading guilty because you are in fact guilty?

4 A. Yes, sir.

5 Q. Do you admit that you violated the law consistent with the
6 charges made against you in Count 1?

7 A. Yes, sir.

8 Q. And do you fully understand all the rights and procedures
9 that I've explained to you and that you're giving up by pleading
10 guilty?

11 A. Yes, sir.

12 THE COURT: The record will reflect that the defendant,
13 Robert Gadson, lives in the city of Savannah. He's 30 years of
14 age. He's not married. He says he's never been married, and he
15 has no children. He attended school until the eleventh grade at
16 Savannah High School in this community, but he later received a
17 GED in the state of Georgia.

18 The defendant is not suffering from any obvious physical
19 difficulty. The Court has observed his appearance, his
20 alertness, his awareness and has considered his answers to my
21 questions, and he has been made fully aware of all the
22 significance of this proceeding.

23 The Court finds the defendant in full possession of his
24 faculties. He's not under the influence of any pain or
25 medication. He's not under the influence of any alcohol or

1 drugs. As he stands before the Court today, I am confident that
2 he understands the substance and meaning of the charges, the
3 consequences of his plea and the facts which the government must
4 prove and which by his plea of guilty he admits all the
5 essential elements of the offense.

6 He's had a competent lawyer whom he's known for several
7 months, with whom he's met with on several occasions. He says
8 he's satisfied with the representation of his lawyer, and the
9 Court finds that Mr. Phillips, the lawyer, has discharged his
10 duties consistent with the standard required.

11 In the Court's opinion the defendant has engaged in this
12 proceeding with intelligence and competence, and he's offered
13 his plea of guilty as a matter of his own free choice.

14 Mr. Gadson, are you pleading guilty freely and
15 voluntarily?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Has your lawyer, Mr. Phillips, tried to
18 force you or push you into pleading guilty?

19 THE DEFENDANT: No, sir.

20 THE COURT: Therefore, I find he's not been coerced or
21 influenced to offer to plead guilty, that the plea is made
22 voluntarily, with an understanding of the charges and the
23 consequences of the plea.

24 May we have a proffer from the Government, please?

25 MR. CLARKSON: Government calls Special Agent Lyndsey

1 Lyon.

2 THE CLERK: Please raise your right hand to be sworn.

3 LYNDSEY LYON, being first duly sworn,
4 testified as follows:

5 THE CLERK: Please state your name, your occupation and
6 spell your last name for the record.

7 THE WITNESS: Lyndsey Lyon, L-Y-O-N. I work for
8 Savannah-Chatham Metropolitan Police Department and I am a Task
9 Force Officer in the Bureau of Alcohol, Tobacco, Firearms &
10 Explosives.

11 DIRECT EXAMINATION

12 BY MR. CLARKSON:

13 Q. And Ms. Lyon, can you please describe the facts of this
14 case?

15 A. On March 19th of 2016, Savannah-Chatham Metropolitan Police
16 Department officers were in the area of Graydon Street and Cedar
17 Street. They observed a vehicle, Mr. Robert Gadson's vehicle,
18 run the stop sign at this location. They followed the vehicle
19 to East Duffy Street. At this time they observed the vehicle
20 park on the wrong side of the road in front of 1312 East Duffy
21 Street. At this time they initiated a traffic stop.

22 They ran the tag through GCIC, NCIC. At this time the tag
23 came back as suspended registration. They initiated a traffic
24 stop on the vehicle, and the officer made contact with
25 Mr. Gadson. At this point the officer detected an odor of

1 marijuana coming from within the vehicle. They asked Mr. Gadson
2 to step out of the vehicle.

3 At this point they did a Terry frisk on Mr. Gadson. They
4 felt a -- the officer felt a long metal object in his right
5 front pocket. They asked him what the object was and if it was
6 a knife. He stated that it was a clip, or in other terms a
7 magazine for a firearm. When he was searched, they found an
8 extended magazine for a .45 caliber firearm in his right front
9 pocket.

10 The vehicle was searched due to the odor of marijuana.
11 They located a Shooters Arms Manufacturing Titan .45 caliber
12 firearm in between the driver's seat and the center console. It
13 was wedged between the seat.

14 At this point he was detained. He agreed to speak with
15 detectives and he was transported to a precinct to do so. He
16 spoke with the detective and stated that he had found the
17 firearm near an abandoned house near the intersection of 40th
18 Street and Burroughs Street. He said that he found it on the
19 ground and picked it up and put it in his vehicle. He said he
20 didn't even know what caliber it was. He admitted to being a
21 convicted felon and stated that he knew he wasn't supposed to be
22 in possession of firearms.

23 He was confirmed to be a convicted felon, had a 2009
24 conviction for criminal damage to property in the second degree,
25 2010 conviction for a felony theft by taking -- or felony theft

1 by receiving stolen property, and a 2013 felony for theft by
2 taking.

3 The firearm was transported and shipped in interstate
4 commerce. It had been manufactured in the Philippines.

5 Q. The firearm you referenced, the Shooters Arm Manufacturing
6 Model Titan, is that the firearm identified in Count 1 of the
7 Indictment?

8 A. It is.

9 Q. And the clip or ammunition that you mentioned, is that the
10 ammunition -- 16 rounds of ammunition mentioned in Count 2 of
11 the Indictment?

12 A. Correct.

13 Q. And was any interstate commerce nexus done with respect to
14 the ammunition?

15 A. It was.

16 Q. And did that travel in interstate commerce?

17 A. It did.

18 MR. CLARKSON: No further questions, Your Honor.

19 THE COURT: Thank you, Counsel.

20 Mr. Phillips, if you and Mr. Gadson would come back to
21 the lectern, please.

22 Mr. Gadson, you've heard the testimony of Agent Lyons
23 (sic). Do you agree with that testimony?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Do you have any questions you wish to ask

1 the agent?

2 THE DEFENDANT: No, sir.

3 THE COURT: Do you have any questions, Mr. Phillips?

4 MR. PHILLIPS: No, sir.

5 THE COURT: All right. You may come down. Thank you.

6 In your own defense -- or excuse me. In your own

7 defense.

8 In your own words, Mr. Gadson, please tell me what you
9 did insofar as the charge made against you in Count 1 of the
10 Indictment.

11 THE DEFENDANT: I had possession of a firearm, and I
12 know I wasn't supposed to have a firearm.

13 THE COURT: Was that on the date and time alleged in the
14 Indictment?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Do you know of any reason why I should not
17 accept your plea of guilty at this time?

18 THE DEFENDANT: No, sir.

19 THE COURT: Do you know of any reason, Mr. Phillips?

20 MR. PHILLIPS: No, sir.

21 THE COURT: Does the government know of any reason,
22 Mr. Clarkson?

23 MR. CLARKSON: No, Your Honor.

24 THE COURT: All right. Based upon the record made at
25 this proceeding, the Court is satisfied there's a factual basis

1 for the plea. Let the plea be entered, Ms. Bodafor.

2 THE CLERK: Yes, Your Honor.

3 (Brief pause)

4 THE CLERK: The defendant's plea of guilty has been
5 entered, Your Honor.

6 THE COURT: The plea of guilty is accepted. The United
7 States Probation Office will conduct a presentence
8 investigation. When that investigation is complete, they will
9 file a report. A copy of the report will be made available to
10 you, Mr. Gadson, and to your counsel and to counsel for the
11 government. When you receive the report, you should review it
12 carefully with your lawyer, and if you and your lawyer think
13 that it contains any errors or if you have any objections to any
14 matters in the report, then you can let those errors or
15 objections be known to the probation officer. If you cannot
16 resolve those matters with the probation officer prior to
17 sentencing, then the Court will resolve them at the time of
18 sentencing.

19 Now, I've received a report from the Probation Office
20 advising me, Mr. Gadson, that you've been on pretrial
21 supervision and that to date you have complied with all the
22 terms and conditions, and that report recommends continued
23 release subject to the preexisting conditions.

24 It's unusual that I get a report like this recommending
25 continued release when I have a prior felon in possession of a

1 firearm. So I'd like to know why that recommendation is made in
2 this case.

3 Not from you. I'd like to know -- the recommendation is
4 from the Probation Office.

5 MS. WADE: Your Honor, to date we haven't had any issues
6 with his pretrial release. Officer Mills indicated that there
7 was a UA conducted on September 7th. He was negative for all
8 substances. He plans to do another urinalysis today.

9 THE COURT: Well, I know this comes from Mr. Mills, but
10 what I said is it's unusual when I have a firearms case and I
11 have a felon in possession of a firearm that there is even a
12 bond to start with, and then it's unusual that there's a
13 recommendation of continued release after a plea of guilty. And
14 so is there something special about this case that makes it so
15 different than other cases?

16 MS. WADE: Not to my knowledge, Your Honor. It's my
17 understanding that he was given a \$20,000 bond, and I don't have
18 any specific reasons as to why this is different.

19 THE COURT: All right. Thank you. What is the position
20 of the United States Attorney's Office?

21 MR. CLARKSON: Your Honor, we agree with the
22 recommendation. We had extensive discussions with Probation in
23 setting the bond, and we had some concerns about the criminal
24 history.

25 Judge Smith set the bond at \$20,000, and Mr. Gadson

1 worked -- or his family worked to get that set. We understand
2 there's been no issues, so we would agree with the
3 recommendation.

4 THE COURT: All right. Thank you, Mr. Clarkson.

5 All right. Based upon those recommendations,
6 Mr. Gadson, I'm going to allow you to remain free subject to
7 your bond that you're on now and all the terms and conditions of
8 that bond.

9 Before you leave court today, I want you to meet with
10 the Probation Office and give the Probation Office any
11 information that the Probation Office needs, and I want you to
12 meet with the Marshal Service and give the Marshal Service any
13 information that the Marshal Service needs. And after you've
14 cleared with Probation and the Marshal Service, then you'll be
15 free to go subject to the terms and conditions of your existing
16 bond.

17 But I want to make it clear to you that if it's reported
18 to me that you have in any way violated the terms and conditions
19 of your supervised release, then I will not hesitate to have you
20 immediately arrested. Do you understand that?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Anything else in this case today,
23 Mr. Phillips?

24 MR. PHILLIPS: No, sir.

25 THE COURT: Anything else, Mr. Clarkson?

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MR. CLARKSON: No, Your Honor.

THE COURT: All right. We'll be in recess.

(Proceedings concluded at 11:03 a.m.)

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1 CERTIFICATE OF OFFICIAL REPORTER

2
3 I, Kelly McKee Dorsey, Registered Merit Reporter
4 and Certified Realtime Reporter, in and for the United States
5 District Court for the Southern District of Georgia, do hereby
6 certify that pursuant to Section 753, Title 28, United States
7 Code, that the foregoing is a true and correct transcript of
8 the stenographically reported proceedings held in the
9 above-entitled matter and that the transcript page format is in
10 conformance with the regulations of the Judicial Conference of
11 the United States.

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13 Dated this 28th day of November, 2016.
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17

18 */s/ Kelly McKee Dorsey*

19 _____
KELLY MCKEE DORSEY, CCR, RMR, CCP

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